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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,071	03/19/2004	Itaru Fukushima	K-2010DIV1	7054

7590 01/12/2005
HAUPTMAN KANESAKA BERNER PATENT AGENTS, LLP
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EXAMINER

HAMILTON, ISAAC N

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n N .	Applicant(s)	
	10/804,071	FUKUSHIMA ET AL.	
	Examiner	Art Unit	
	Isaac N Hamilton	3724	

-- The MAILING DATE of this c mmunication appears on the cover sheet with th correspond nce address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/964,504.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Objections to the specification are hereby withdrawn.

Claim Rejections - 35 USC § 112

2. Rejections made under 35 USC 112 are hereby withdrawn.

Claim Objections

3. Claims 1 and 7 are objected to because of the following informalities: "cornor" in lines 5 and 6, respectively, should be changed to --corner--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. Claims 1, 2 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al (1,567,706), hereafter Cameron, in view of Tuttle et al (1,957,864), hereafter Tuttle, and Sabel et al (2,216,629), hereafter Sabel. Cameron discloses feed path in figure 1 with curved portion juxtaposed elements 1 and 2; corner is the right-hand side of the apparatus in figure 1; the angle of the material 3 changes degrees by substantially 90 degrees from the right side of elements 1 and 2 to the left side of elements 1 and 2; cutting at curved portion with cutter 2; first position is when the material 3 in between the cutter 2 and the element 1; straight portion is between elements 4 and 7; second cutting position at element 7; any length of material is possible as disclosed on page 2, lines 37-42, therefore, the length of the material in figure 1 between the element 7 and the right side of the figure 1. Cameron does not disclose forming an image, and does not disclose cutting the leading and trailing edges while the material is stationary. Tuttle teaches forming an image in page 2, lines 83-91, and Sabel teaches cutting the leading and trailing edges while the material is stationary on page 2, lines 19-28. It would have

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been obvious to provide forming an image in Cameron to the right of elements 1 and 2 in figure 1 of Cameron as taught by Tuttle in order to apply the apparatus in a greater amount of applications and uses. It would have been obvious to provide cutting the leading and trailing edges while the material is stationary in Cameron as taught by Sabel in order to increase the accuracy of the cut made by the apparatus.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Cameron, Tuttle and Sabel as applied to claims 1, 2, 4-7 above, and further in view of Gomi (6,115,110). The combination discloses everything as noted above, but does not disclose a Cycolor medium. However, Gomi teaches Cycolor medium in the abstract. It would have been obvious to provide a Cycolor medium in the combination as taught by Gomi in order to diversify the materials that are cut by the apparatus.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 4-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306.

IH

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January 10, 2005

ay
Allan N. Shoap
Supervisory Patent Examiner
Group 3700